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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,256	07/31/1998	WILLIAM ELKINS	358125.00300	9902

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EXAMINER

LEO, LEONARD R

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/127,256

Applicant(s)

ELKINS, WILLIAM

Examiner

Leonard R. Leo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 9, 14, 19, 20, 23 and 24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 5, 9, 14, 19, 20, 23 and 24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The indicated allowability of claims 5 and 23 is withdrawn in view of the newly discovered reference(s) to Whitney. Rejections based on the newly cited reference(s) follow. The amendment filed April 20, 2004 has been entered. Claims 3-4, 8, 12, 17 and 22 are cancelled, and claims 5, 9, 14, 19-20 and 23-24 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Figure 2A in view of Elkins et al (4,691,762), and further in view of Whitney.

Applicant's Prior Art Figure 2A discloses all the claimed limitations except a border seal having curvilinear ripples and a fence having curvilinear ripples.

Elkins et al ('762) discloses a heat exchange panel comprising first and second layers of flexible material having a border seal with curvilinear ripples (Figure 3) for the purpose of improving conformity to the complex shape.

Whitney discloses a heat exchange panel comprising first and second layers of flexible material having a fence with curvilinear ripples 126, 130 for the purpose of eliminating the pressure gap and to produce a smooth gap free pressurization from start to finish (column 2, lines 10-11).

Since Applicant's Prior Art Figure 2A, Elkins et al ('762) and Whitney are all from the same field of endeavor and/or analogous art, the purposes disclosed by Elkins et al ('762) and Whitney would have been recognized in the pertinent art of Applicant's Prior Art Figure 2A.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Applicant's Prior Art Figure 2A the border seal having curvilinear ripples for the purpose of improving conformity to the complex shape as recognized by Elkins et al ('762), *and* employ in Applicant's Prior Art Figure 2A the fence having curvilinear ripples for the purpose of eliminating the pressure gap and to produce a smooth gap free pressurization from start to finish as recognized by Whitney.

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art Figure 2A in view of Elkins et al ('762), and further in view of Whitney as applied to claims 23-24 above, and further in view of Haugeneder.

The combined teachings of Applicant's Prior Art Figure 2A, Elkins et al ('762) and Whitney lacks first and second lines intersecting at an angle of 70 to 110 degrees.

Haugeneder discloses a heat exchange panel comprising first and second layers of flexible material 25, 26 with a border seal 2 and a multiplicity of points to form a dot matrix along crossing imaginary lines at 90° for the purpose of improving turbulence for heat exchange.

Since Applicant's Prior Art Figure 2A and Haugeneder are both from the same field of endeavor and/or analogous art, the purposes disclosed by Haugeneder would have been recognized in the pertinent art of Applicant's Prior Art Figure 2A.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Applicant's Prior Art Figure 2A the multiplicity of points

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forming a dot matrix along crossing imaginary lines at 90° for the purpose of improving turbulence for heat exchange as recognized by Haugeneder.

Response to Arguments

The terminal disclaimer filed on January 14, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,178,562 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Leonard R. Leo
Primary Examiner
Art Unit 3753

September 19, 2005